

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on February 2, 2001
at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Department of Corrections
Community Corrections
Division, 1/30/2001
Executive Action: None

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON DEPARTMENT OF CORRECTIONS COMMUNITY CORRECTIONS DIVISION

Mr. Bill Slaughter, Director, Department of Corrections,
introduced **Mr. Mike Ferriter**, Administrator of the Community
Corrections Division. **Mr. Slaughter** stated Community Corrections

is the grease that makes corrections work. They have no walls but still provide public safety.

Mr. Ferriter stated the Community Corrections Division is responsible for supervision and management of adult and juvenile offenders in a variety of programs and facilities throughout the State of Montana. The Division is organized into 7 separate bureaus each of which has a manager directly responsible for the day-to-day operation of the specific program or facility. The foundation of the Division is to provide safe and effective alternatives to traditional incarceration. He stated the Division budget request is \$34,393,568 fiscal 2002 and \$36,673,952 fiscal 2003. Although this budget amounts reflects 33% of the entire Department of Corrections, it is more important to note the Division manages over 75% of the adult offenders under the jurisdiction of the department and all juveniles paroled from the two state youth correctional facilities or who are placed in the Riverside Youth correctional facility.

Mr. Ferriter went over the key program indicators the Community Corrections Division has specified to ensure the quality of the programming as referred to in Governor Racicot's Executive Budget Book. All program indicators will be addressed individually by the division managers. In order to maintain the professionalism of the division and to meet the demands of the criminal and youth justice systems, additional funds are being requested. All the increase come in the form of present law adjustments specifically funding for overtime, expanded full-time FTE at the Treasure State Correctional Training Center, pre-release expansion for adult offenders, and modified FTE and services within the Probation and Parole Bureau.

Mr. Ferriter distributed a booklet of information on the Division and its seven bureaus referred to as the Rainbow Book.

EXHIBIT(jch27a01)

Mr. Ferriter referred to the mission of the Division, the department goals and objectives, and eight of the key tasks for the Community Corrections Division which are highlighted. He called the committee's attention to the corrections population management plan for males, females, and juveniles (addressed in HB 146).

{Tape : 1; Side : A; Approx. Time Counter : 215}

JUVENILE PLACEMENT

February 2, 2001

PAGE 3 of 12

Mr. John Paradis, Unit Manager, Juvenile Residential Placement, Community Correction Division, gave an overview of the Unit. The three primary unit tasks are placement process and procedures, fiscal management and tracking, and contract and program development. Two other specific tasks are the oversight of the Alternative Youth Adventures Program in Boulder, and the development and management of the Intervention in Delinquency Pilot Project.

Mr. Paradis read the mission statement of the Juvenile Residential Placement Unit and explained the various people and agencies with whom the Division works. He stated the job of a juvenile probation officer is extremely difficult; they have to be a little of everything for everyone. Many of the youth offenders are not subject to criminal sanctions as the offenses are not considered criminal acts in the adult world. However, without constant vigilance it becomes easy for the state to drift into the corrections institutional approach to community juvenile services.

Mr. Paradis went over the placement process and procedure per exhibit 1, the Rainbow Book. The average monthly number of juvenile cases in out-of-home placement was over 500 during the past year. In-state private residential placements averaged more than 275 per month; and out-of-state private placements averaged 60. Montana statutes and administrative rules require department involvement and oversight on all placements of youthful offenders. The unit is also responsible to stay abreast of all legislative actions, revisions in laws and the Youth Court Act, and to implement any new requirements.

The second unit task is the fiscal management and oversight. The unit in cooperation with the Fiscal Bureau of the Department develops and administers placement budgets. **Mr. Paradis** stated the budget amounts for the sub-program base budget for fiscal year 2000 was \$10,788,322; the proposal for 2002 at \$9,749,133 and for all services a budget reduction is presented of approximately \$1,000,000 for the base year.

The third unit task is contract and program management which identifies and develops placement programs for all youth referred to or committed to the Department from Montana Youth Courts. **Mr. Paradis** continued with the information in the exhibit 1, blue section, pages 2 and 3.

Mr. Paradis gave the committee some background information on the Alternative Youth Adventure Program (AYA). The AYA known also as Aspen Youth Alternatives was originally established by the

Department of Public Health and Human Services (DPHHS) in 1994 to address overcrowding issues at Pine Hills School. It began as a joint private and public program on the campus of Mountain View School. When the Montana Law Enforcement Academy was established at the Mountain View school, the AYA was moved to the Boulder campus.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Mr. Paradis continued that the supervision of the program changed when the Riverside Youth Correctional Facility opened in 1997. The original contract with the US Forest Service and the DPHHS for the wilderness and experiential phase required the institutional special use permit be held by the Department. In order not to put the permit in jeopardy, the Forest Service required the department to retain a direct liaison position to monitor and assist the back country phase. He further explained how the AYA Program is monitored and managed. The AYA contract is up for renewal this year and is currently being negotiated. For fiscal 2000 the cost of placements in the AYA program was \$2,200,000 in maximum costs anticipated. At the same time \$8,500,000 has been set aside for all other services. This program continues to be a private and public joint operation; therefore, all funding is not expected to come from the public. In the year 2001, the expenditures for the AYA program is expected to decrease from the 2000 base and the number of referrals from the private sector is expected to increase.

Mr. Paradis touched on some of the recent highlights of the AYA program. Significant public service projects have been completed on several ranger districts resulting in reduced costs for the US Forest Service. There has been increased participation in public works projects giving back to the community. The Back Country groups have repeatedly been invited to participate in summer projects in Yellowstone National Park. The Back Country Program also has an exceptional safety record. The program has been nominated for national recognition with the U. S. Department of Agriculture, U. S. Forest Service Division, Missoula.

{Tape : 1; Side : B; Approx. Time Counter : 117}

INTERVENTION IN JUVENILE DELINQUENCY PILOT PROJECT

Mr. Paradis spoke to the Juvenile Intervention in Delinquency Pilot Project. In the 1997 and 1999 legislative sessions, bills were passed in an effort to determine if the funds appropriated by the Montana Legislature to the Department of Corrections could

February 2, 2001

PAGE 5 of 12

have a greater impact if the funds were managed at a local level. A report was distributed to the committee on the results.

EXHIBIT (jch27a02)

The report has now been incorporated into HB 146 combined with a request to continue the pilot project and to extend it to all 22 judicial districts. In closing he gave credit for the success of the pilot program to the youth court probation officers who stepped up to do the project.

There was some discussion of the AYA program and its private and governmental funding, its daily costs per student, numbers of students involved, ratios of students per supervisors, and after-care programs used.

{Tape : 1; Side : B; Approx. Time Counter : 310}

SEN. CHRISTIAENS asked about the Brown School Program. **Mr. Paradis** gave a brief explanation of this program. The program was a contract for 20 beds in the private sector for the youth sex offenders to be used until the facility could be developed at Pine Hills. However, the 20 beds (called Threshold in Deer Lodge) was not capped and it soon grew to 30. Youth began to be inappropriately placed in the program. If a youth is court ordered to a program, the Department of Corrections pays the cost. When Pine Hills opened, the DOC needed to determine which youths would be placed in the 24 sex offender beds. If youths could not be placed in Pine Hills, the DOC had to find a placement for them and pay the costs.

SEN. ZOOK asked about the success of the AYA program and how it is tracked. **Mr. Paradis** responded he has records for 5 years tracking results. He feels it has a 50-60% success rate; however, the AYA program itself feels the rate of success is 70%.

{Tape : 2; Side : A; Approx. Time Counter : 0}

CHAIRMAN FISHER asked about the budget requests and where they show in the decision packages. **Ms. Becky Buska, Chief, Budget/Fiscal Bureau, Department of Corrections**, explained the decision packages and stated the \$2,000,000 reduction for the biennium is due to the sex offender beds now being located at Pine Hills. Pine Hills currently has 103 beds in use with the 24 sex offender beds being full. There is still an overflow of 10 sex offenders in the Threshold Program. These offenders cannot be placed in Pine Hills at this time until beds open up or the offender is reclassified.

CHAIRMAN FISHER asked about the numbers of students in the AYA program and the cost per student. With 99 students a year the cost computes at about \$20,000 per student in comparison to as much as \$40,000 per student in other states. **CHAIRMAN FISHER** asked about the large differences in the cost for AYA and the National Guard Youth Challenge program. **Mr. Paradis** responded the programs are very different. The AYA program is a diversion program for correctional youth currently in the Juvenile Corrections Program. Project Challenge is for high school drop outs who have not entered into the correctional system and are not under any court supervision; it is designed to be more educational. Without the AYA program, those 99 youths would be placed in Pine Hills, Riverside, or other private residential programs.

{Tape : 2; Side : A; Approx. Time Counter : 110}

Mr. Ferriter gave further explanation on the Thresholds program. It was to be an interim plan until the Pine Hills facility was ready to serve the juvenile sex offenders who were incarcerated out of state at very high costs. The 20 beds were at a cost of about \$50 per day less than out-of-state prices. In order to prepare for the loss of beds when Pine Hills opened, Threshold began to take other offenders not adjudicated specifically sex offenders or low risk sex offenders, and increase their beds to 30. The end result is to have the worst offenders in Pine Hills and the less serious offenders in the Threshold program which is a private operation.

{Tape : 2; Side : A; Approx. Time Counter : 180}

PUBLIC TESTIMONY

EXHIBIT (jch27a03)

Mr. Larry Stebbins , Director , AYA Program, distributed a report to the committee and gave a history of the AYA Program, including information statistics of youth served, the support from the Department of Corrections, and the research on outcome studies. The AYA program has intervened with nearly 600 youth in 6 years, and the Montana model is being followed by other states. He stated Montana has been a leader in juvenile justice systems.

Mr. Scott Mendenhall, Manager, Jefferson Local Development Corporation, urged the committee to reinstate the line item for AYA. He distributed supporting information regarding local efforts to re-utilize the South Campus in Boulder. He stressed

the benefit to Boulder (population 1500) in creating 75 jobs in the economic development project of restoring the South Campus.

EXHIBIT(jch27a04)

Mr. Sam Samson, former teacher, currently Jefferson County Commissioner, stated Boulder worked long and hard to find a use for the abandoned development center. As a teacher, he feels the AYA provides the best after care program he has ever seen.

{Tape : 2; Side : B; Approx. Time Counter : 0}

EXHIBIT(jch27a05)

Exhibit 5 is a letter submitted from **Carol Stratemeyer, Chief Juvenile Probation Officer for the 21st Judicial District** in Ravalli County. Ms. Stratemeyer wrote in support of the line item for the AYA remaining in the budget rather than putting the AYA money into the general fund monies.

Mr. Joe Connell, Chief Probation Officer for the 5th Judicial District for Jefferson, Beaverhead, and Madison Counties, urged the committee to leave the \$2.2 million to stay in the budget as it has and the contracts to remain for the benefit of Jefferson County in particular.

SEN. CHRISTIAENS asked about the commitment AYA and the DOC has made to Jefferson County. **Mr. Samson** replied there are no bonds involved but the local people encumbered the expense in the beginning to be recouped as the program developed. It took the county three years to purchase the land from the state. Jefferson County has put forth a tremendous amount of commitment to AYA to make it work.

Mr. Ferriter explained the line item issue. The current concept is to distribute \$10 million throughout the state with no longer setting aside \$2 million specifically for the AYA Program. The DOC is not trying to eliminate the program. He expects it to be business as usual with the only difference being the local judicial district makes the decision where to place the offender. He expects AYA to exist with the same numbers.

{Tape : 2; Side : B; Approx. Time Counter : 140}

PROBATION AND PAROLE BUREAU

In introducing the Probation and Parole Chief, **Mr. Ferriter** stated the most widely used alternative to incarceration in

February 2, 2001

PAGE 8 of 12

Community Corrections is probation and parole. **Ms. Mary Fay, Probation and Parole Bureau Chief**, spoke to the green section of the Rainbow Book in exhibit 1 and her testimony is included in these minutes.

EXHIBIT (jch27a06)

She addressed Decision Package 2 which is 28 FTE Probation and Parole (P & P) officers and support staff. She stated the Bureau and the Department have little control of the numbers of offenders who are placed on probation or parole. The Legislature passes the laws to be enforced by local law officers and district court judges. She stated 99% of offenders sent to prison are discharged to live back in the communities. Of those sentenced to corrections, 79% never actually go to prison--rather they are given P & P. Probation and parole officers can make a huge difference in the life of an offender. Programming and treatment is a must.

Ms. Fay provided a copy of a report requesting additional probation and parole resources.

EXHIBIT (jch27a07)

It included statistics on staff and caseload as requested by the Director of the Department of Corrections. This information was to be used in tapping into \$1,000,000 set aside by the Governor for public safety. In the report was a proposal for the personnel and contracted services needed to offer better services to the public, to crime victims, and offenders while enhancing offender accountability. **Ms. Fay** distributed a copy of information given to the Governor in September, 1999.

EXHIBIT (jch27a08)

In October, 1999, the Bureau was given approval to hire 28 more Probation and Parole Officers. **Ms. Fay** went over the information which included the status (as of September, 1999) of P & P resources, additional staff needed to lower the caseloads to workable levels, adult caseloads from 1994-1999, bureau objectives, and the projected results of the proposed expansion of P & P. The information showed the distribution throughout the state of the new 28 FTE's. This enabled the Bureau to increase the feeling of public safety.

{Tape : 3; Side : A; Approx. Time Counter : 0}

Ms. Fay continued that the Bureau has made incredible accomplishments over the past year with these resources. A few examples are reducing the caseload from 80-110 to 70, targeting caseloads of sexual and violent offenders, making field contacts in pairs, and information being more readily available and to share among agencies. Restitution is now a priority and the Bureau's goal is to collect 20% more annually.

Ms. Fay covered the Multi-systemic Program (MST) in Flathead County which is a pilot program, currently the only one in the nation, working with parolees.

Ms. Fay also distributed a copy of an evaluation report required by HB 115 (1999 session) on the probation violator prison diversion program.

EXHIBIT (jch27a09)

In conclusion, Ms. Fay state on any given day in Montana the Probation & Parole Bureau is supervising 6300 adult and juvenile offenders statewide safely and economically. She urged the committee's approval for the continued funding of the 28 FTE's and the P & P Bureau.

{Tape : 3; Side : A; Approx. Time Counter : 350}

There was discussion on the restitution issue, the Victim's Compensation Plan, the current number of people under supervision 7 years of longer, and the cost of intensive supervision (\$14.82) including chemical dependency treatment.

{Tape : 3; Side : B; Approx. Time Counter : 0}

CHEMICAL DEPENDENCY RESOURCE CONTRACTS

Ms. Peg Shea, Executive Director, Turning Point Chemical Dependency Program, Missoula County, (exhibit 1, page 27, green section) gave a history of the program. Nine years ago she met with the Regional Probation and Parole Director in Western Montana to determine how to better treat parolees and probationers with a chemical dependency problem. When alcohol and drug money moved from the Department of Corrections to the Department of Public Health and Human Services, there was much change. The alcohol and drug money coming into the communities was capped and it could no longer be used for pre-release clients. The unilateral decision decreased her client density from 60% to 22% within 60 days causing concern as to whether she could keep her doors open or not. Therefore, it was necessary to

February 2, 2001

PAGE 10 of 12

determine which clients needed to be served. When they realized only one in six referrals could be served, a contract approach with the DOC was considered. The result is contacted services with the DOC which include assessment/evaluations/referrals services, consultations, and continuing care groups for relapse counseling. In summary, the chemical dependency services have served a total of 496 offenders in five state regions in the year 2000.

SEN. CHRISTIAENS asked about the TANF funds. Ms. Shea responded it was funds set aside to service substance abusing women with dependent children. The idea is to treat the whole family in order to prevent the woman from being incarcerated, the child being removed, and beginning the cycle of breaking up families. They have served some of those women.

{Tape : 3; Side : B; Approx. Time Counter : 175}

MONTANA YOUTH CORRECTIONAL FACILITY FOR GIRLS

Ms. Cindy McKenzie, Director of Treatment Services at Riverside Youth Correctional Facility, presented information on the girls facility (exhibit 1, goldenrod section). Her written testimony is a part of these minutes.

EXHIBIT (jch27a10)

Ms. McKenzie stated although the Riverside facility is the smallest, they serve one of the neediest populations in the department. The services are critical for juvenile female offenders if they are expected to succeed once placed back into their communities. She gave statistics on who they serve, the numbers served, the types of problems and treatments necessary, the economic and family backgrounds, and what girls need from a correctional system. She continued that juvenile girls in correctional facilities are more likely to harm themselves than others, are more depressed, engage in sexual activities earlier than usual, have lower self-esteem, have increased anger and hostility, and have usually been victims of sexual abuse. As a result, procedures at the facility need to be strict and structured.

{Tape : 3; Side : B; Approx. Time Counter : 340}

EXHIBIT (jch27a11)

She gave a brief description of the housing unit.

Ms. McKenzie spoke to the education and counseling offered at Riverside; the daily program and treatment activities; the medical program; the contracted/volunteer services; family and community involvement; security; and the decision packages.

{Tape : 4; Side : A; Approx. Time Counter : 0}

Ms. McKenzie listed a few of the communities service projects which have been done by the girls. She reported since Riverside opened in 1999, they have had only one escapee who was apprehended within 2 hours. In supporting the success of Riverside, she stated that in both 1999 and 2000 there has been only one revocation each year for a new felony.

{Tape : 4; Side : A; Approx. Time Counter : 60}

PUBLIC TESTIMONY

Mr. Marko Lucich, Chief Probation Officer, several counties, shared his support for the program. He stated recently a 13-year-old girl was arrested for auto theft and without reservation his recommendation will be to send her to the Riverside facility. This facility should be considered a beginning not the last resort. It is safe, has a good youth to staff ratio, and he considers it to be one of the best juvenile female facilities in the United States.

CHAIRMAN FISHER adjourned the meeting.

ADJOURNMENT

Adjournment: 11:35 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch27aad)